

CITY COUNCIL  
CITY OF WICHITA  
KANSAS

City Council Meeting  
September 14, 1999, 9:00 A.M.

City Hall  
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation – Rev. David Henion, Harvest Community Church
- Pledge of Allegiance
- Approve the minutes of the previous meeting

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AWARDS AND PRESENTATIONS

- Distinguished Service Citation
- Wichita's Promise -- Youth Community Service Awards
- Proclamations

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NEW BUSINESS

1. All America City Award.

Mr. Chris Gates, President of the National Civic League, will present the All America City Award to the City of Wichita.

2. Public Hearing and Issuance of Public Building Commission (PBC) Improvement Revenue Bonds - WSU Eck Stadium. (District I)

On May 11, 1999, the City Council approved the use of PBC Bonds for the purpose of financing planned improvements for Eck Stadium, and the use of the 1.5 mill levy as security for the bonds. Wichita State University is now requesting approval of the issuance of the Improvement Revenue Bonds in an amount not-to-exceed \$4.0 million.

RECOMMENDED ACTION: Close the public hearing and approve the issuance of the Bonds.

3. Public Hearing and Tax Exemption Request - Airxcel, Inc. (District VI)

Airxcel, Inc., is requesting a 100 percent tax exemption on real and personal property improvements for a five-plus-five-year term, subject to City Council review.

RECOMMENDED ACTION: Close the public hearing; determine the appropriate tax exemption; and approve first reading of the Ordinance.

4. Public Hearing and Tax Exemption Request - Case Corporation. (District V)

Case Corporation, in conjunction with ongoing expansion, is requesting a 100 percent tax exemption for five years on personal property.

RECOMMENDED ACTION: Close the public hearing; determine the appropriate tax exemption; and approve first reading of the Ordinance.

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CITY COUNCIL AGENDA

5. Board/Commission Appointments.

RECOMMENDED ACTION: Make the appointments.

6. Proclamations:

Deaf Awareness Week

Day of Remembrance for Murder/Homicide Victims

RECOMMENDED ACTION: Authorize issuance of the Proclamations.

7. Cancellation of October 5, 1999, City Council Meeting Due to League of Kansas Municipalities Annual Conference and Approval of Voting and Alternate Delegates.

The City of Wichita may have up to five voting delegates and five alternate delegates.

RECOMMENDED ACTION: Approve cancellation of meeting and designate voting delegate(s) and alternate(s).

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CONSENT AGENDA

8. Report of the Board of Bids and Contracts Dated September 13, 1999.

RECOMMENDED ACTION: Receive and file the report; approve the Contracts;  
and authorize the necessary signatures.

9. Application for License for Adult Entertainment Establishments/Services.

Renew Adult Entertainment:

Norman Massey Jr.                      Zigefields                      4200 West Kellogg Drive

RECOMMENDED ACTION: Approve the license subject to Staff review and approval.

10. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
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Lan Thy Ta	Kim Huong Restaurant*	1410 North Broadway
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<u>Special Event</u>	<u>September 25, 1999</u>
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Devin W. Hansen	Old Town Association 16 <sup>th</sup> Annual Chili Cookoff	800 East Waterman
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\*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve the licenses subject to Staff review and approval.

11. Plans and Specifications:

- a. Lateral 430, Southwest Interceptor Sewer to serve an unplatted tract - south of 55th Street South, east of Meridian. (468-82996/743802/480490) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 6/8/99. (District IV)
- b. Hoover, from the south line of First Street to the north line of Second Street to serve Westbreeze Addition and unplatted tracts - south of Central, east of I-235. (472-83066/765566/490677) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 2/2/99. (District IV)
- c. Second Street, from the east line of Hoover to the west line of Flora, and from the east line of Flora to the west line of Elder to serve Fruitvale Park and Westbreeze Additions - south of Central, east of Hoover. (472-82978/765214/490623) Traffic to be maintained during construction. City Council approval date: 8/4/98. (District IV)

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- d. Third Street, from the west line of Florence to the west line of West Street to serve Masterbilt, McPherson, Loyd, and Parkwilde Additions - south of Central, west of West Street. (472-82979 /765222/490624). Traffic to be maintained during construction. City Council approval date: 8/4/98. (District IV)
- e. Maywood from the east line of Seneca to 112 feet east of Southwind to serve South Seneca Gardens Third Addition - south of 47th Street South, east of Seneca. (472-82995/765388/490640) Traffic to be maintained through construction. City Council approval date: 9/15/98. (District IV)
- f. Lockwood from the east line of Seneca to the west line of Southwind to serve South Seneca Gardens Third Addition - south of 47th Street South, east of Seneca. (472-82980/765206/490622) Traffic to be maintained through construction. City Council approval date: 8/4/98. (District IV)
- g. 13th Street North from approximately 600 feet east of Rock Road to the east City Limits. (472-83028 /706770/208231) Traffic to be maintained during construction using flagpersons and barricades, except that the street may be closed completely for one 45-day period. City Council approval date: 4/20/99. (District II)
- h. Water line adjustments in connection with paving Central, 127th East to 143rd East - east of 127th Street East at Central. (448-89369/635603/769663) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (County)

RECOMMENDED ACTION: Approve and advertise for bids to be submitted to the Board of Bids by 10:00 a.m., September 24, 1999.

12. Subdivision Plans and Specifications.

RECOMMENDED ACTION: Approve and advertise for bids to be submitted to the Board of Bids.

13. Preliminary Estimates:

- a. Lateral 431, Southwest Interceptor Sewer to serve The Legacy Addition - west of Meridian, south of MacArthur. (468-82997/743803/480491) Does not affect existing traffic. City Council approval date: 6/22/99. (District IV) - \$188,800.00
- b. Forestview, from the west line of Angela to 294 feet east of Angela including Forestview Court and Forestview Circle and Angela from the south line of Forest view to 165 feet south of Forestview to serve Rainbow Lakes West Third Addition - north of Maple, east of 135th Street West. (472-83022/765565 /490676) Does not affect existing traffic. City Council approval date: 2/9/99. (District V) - \$122,000.00
- c. Water distribution system to serve Evergreen Addition , phase two- north of 21<sup>st</sup> Street, west of Maize. (448-89409/734933/470603) Does not affect existing traffic. City Council approval date: 8/10/99. (District V) - \$76,000.00
- d. Lateral 436, Southwest Interceptor Sewer to serve Evergreen Addition, phase two - north of 21st, west of Maize. (468-83013/743805/480493) Does not affect existing traffic. City Council approval date: 8/10/99. (District V) - \$224,400.00

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- e. Traffic signal to serve the intersection of Anna and Maple, Towne West Square Second and Jenkins Fourth Additions. (472-83130/710214/410076) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 7/13/99. (District IV) - \$110,000.00
- f. Sunnyside, from the east line of Chautauqua to the west line of Lorraine; Lorraine, from the north line of Orme to the north line of Sunnyside to serve Sunnyside Village Addition - north of Orme, west of Lorraine. (472-83081/765569/490680) Traffic to be maintained on Chautauqua and Orme during construction using flagpersons and barricades. City Council approval date: 2/23/99. (District I) - \$88,810.00
- g. (Amended) Douglas, Main to Topeka; and Topeka, Douglas to William; new water main in Douglas, between Main and the east side of Topeka; new water main in Topeka between Douglas and William. [472-82655/448-88965/N/A (706473/636019/620271) 405201/778150/669396]. City Council approval date: 1/6/98 & 1/9/96 & 6/22/99. (District I) - \$4,440,268.50
- h. (Amended) Vest Pocket Park. (791848/435213) City Council approval date: 05/25/99. (District I) - \$574,100.00

RECOMMENDED ACTION: Approve and file.

14. Deeds and Easements:

- a. Drainage easement dated August 30, 1999, from R&R Realty, L.L.C., a Kansas limited liability company, and Via Christi Property Services, Inc., a Kansas corporation, for a tract in Ridge Port North Addition (SWD 144 - Index 751278). No cost to City.
- b. Drainage easement dated August 30, 1999, from R&R Realty, L.L.C., a Kansas limited liability company, for parcels in the Ridge Port North Addition and the NW 1/4 of Sec. 34, Twp. 26-S, R-1-W (SWD 144 - Index 751278). No cost to City.
- c. Drainage easement dated August 30, 1999, from Via Christi Property Services, Inc., a Kansas corporation, for a tract in Ridge Port North Addition (SWD 144 - Index 751278). No cost to City.
- d. Sanitary sewer easement dated August 9, 1999, from Gary Cook for a tract in the NE 1/4 of Sec. 30, Twp. 28S, R-1-E (Lat. 430, SWI - Index 743802). No cost to City.
- e. Utility easement dated July 30, 1999, from Socora Village Company for a tract in Evergreen Addition (Lat. 436, SWI - Index 743805). No cost to City.
- f. Dedication dated August 2, 1999, from Clifford A. Nies for a tract in the SW 1/4 of Sec. 33, Twp. 27S, R-2-E (Pawnee - Webb to Greenwich, Index 707000). No cost to City.
- g. Dedication dated July 23, 1999, from Kenton Collinson for a tract in the NW 1/4 of Sec. 4, Twp. 28S, R-2-E (Pawnee - Webb to Greenwich, Index 707000). No cost to City.
- h. Dedication dated July 26, 1999, from Craig B. Collinson for a tract in the NW 1/4 of Sec. 4, Twp. 28S, R-2-E (Pawnee - Webb to Greenwich, Index 707000). No cost to City.

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- i. Dedication dated July 23, 1999, from Stephen A. Collinson for a tract in the NW 1/4 of Sec. 4, Twp. 28S, R-2-E (Pawnee - Webb to Greenwich, Index 707000). No cost to City.
- j. Sanitary sewer easement dated June 28, 1999, from Shawn D. Penner for a tract of land in the Valentine Addition (private project - Index 607681). No cost to City.
- k. Sanitary sewer easement dated July 6, 1999, from Tractor Supply Company for a tract of land in the Westport Addition (private project - Index 607681). No cost to City.

RECOMMENDED ACTION: Accept the documents.

15. Petitions for Public Improvements:

- a. Pave Sunnyside, from east of Chautauqua to west of Lorraine, and Lorraine, from north of Orme to north of Sunnyside. (District I)
- b. Water distribution system to serve Lindsay's Orchard – north of Pawnee, west of Maize. (District V)
- c. Construct a sanitary sewer to serve part of Lot 20, Walnut Grove Addition – west of Arkansas Avenue, north of 33<sup>rd</sup> Street North. (District VI)

RECOMMENDED ACTION: Approve the Petitions; and adopt the Resolutions.

16. Minutes of Advisory Boards/Commissions:

Board of Park Commissioners, 8-9-99  
Commission on the Status of People with Disabilities, 7-28-99  
CPO Northeast Council 1, 8-23-99  
CPO East Council 2, 8-23-99  
CPO Southeast Council 3, 8-12-99  
CPO Southeast Council 3, 8-26-99  
CPO Southwest Council 4, 8-26-99  
CPO Northwest Council 5, 8-11-99  
CPO Northwest Council 5, 8-25-99  
CPO North Central Council 6, 8-11-99  
CPO North Central Council 6, 8-25-99  
Deferred Compensation Board, 8-13-99  
Metropolitan Area Planning Commission (MAPC), 6-10-99  
Metropolitan Area Planning Commission (MAPC), 6-24-99  
Police & Fire Retirement System, 7-28-99  
Sister Cities Advisory Board, 8-6-99  
Wichita Employees' Retirement System, 7-21-99  
Wichita Public Library Board, 8-10-99  
Wichita Public Library Board, 8-17-99  
Wichita-Sedgwick County Alcohol & Drug Abuse Advisory Board (ADAS), 9-9-99

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Wichita-Sedgwick County Arts & Humanities, 9-9-99  
Wichita-Sedgwick County Board of Health, 8-12-99  
Wichita Transit Advisory Board, 7-22-99

RECOMMENDED ACTION: Receive and file.

17. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve the street closures/uses.

18. Proposed Assessment Rolls.

Proposed Assessment Rolls have been prepared for 23 paving projects, and it is necessary to set a public hearing date. Informal hearing with City personnel will be held October 4, 1999.

RECOMMENDED ACTION: Set the hearing on the proposed assessment rolls for 11:00 a.m., Tuesday, October 19, 1999.

19. Agreements/Contracts:

- a. Respread assessments: Auburn Hills, Fifth, Seventh, Eighth and Ninth Additions – south of Maple, west of 119<sup>th</sup> Street West. (District V)
- b. Respread assessments: Willowbend North Addition – west of Rock, south of 45<sup>th</sup> Street North. (District II)
- c. Design services for Ridge Port North Addition – south of 37<sup>th</sup> Street, east of Ridge. (District V)
- d. Design services for water distribution system – McLean to 21<sup>st</sup> Street, Amidon to Waco. (District VI)
- e. Design services for water distribution system – Kellogg to Central, Meridian to West Street. (Districts IV and VI)
- f. Design services for water distribution system – First Street to 13<sup>th</sup> Street, Washington to Grove. (District I)
- g. Construction engineering Agreement – 29<sup>th</sup> Street North, from Oliver to Woodlawn. (District I)
- h. CDBG Contract - Catholic Charities, Inc. - Harbor House
- i. CDBG Contract - Urban League of Wichita, Inc.
- j. CDBG Contract - Communities in Schools of Wichita, Sedgwick County, Inc.

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- k. CDBG Contract – YWCA Women’s Crisis Center.
- l. Emergency shelters - grant Contracts - Catholic Charities and United Methodist Urban Ministry (UMUM).
- m. Contract – Wichita Intervention Program Facility.
- n. Contract – Century II sanitary sewer system. (District I)
- o. Exclusive broker listing for the sale of Family Inns – 221 East Kellogg. (District I)

RECOMMENDED ACTION: Approve the Agreements/Contracts; and authorize the necessary signatures.

20. Allocations of Kansas Emergency Shelter Grant Program (KESGP) Funds.

RECOMMENDED ACTION: Approve Staff making final agency allocations; and authorize the necessary signatures.

21. Breakthrough Club - Application for State HOME Assistance. (All Districts)

RECOMMENDED ACTION: Authorize the necessary signatures.

22. Farm and Art Market – Improvements/Renovations. (District VI)

RECOMMENDED ACTION: Approve the project; authorize the necessary signatures; and authorize the Staff Screening and Selection Committee to select a design consultant.

23. Proposed Capital Projects from Airport Authority:

- a. Fuel farm improvements.
- b. Fencing extension.

RECOMMENDED ACTION: Approve notices of intent; and adopt the Resolutions.

24. East Bank Opportunity Purchase.

RECOMMENDED ACTION: Approve funding source.

25. Acquisition of 455 South Windsor – East Kellogg Improvement.

RECOMMENDED ACTION: Approve the budget and Contract; and authorize the necessary signatures.

26. Street Light Resolution #5-99.

RECOMMENDED ACTION: Adopt the Resolution.

27. Second Reading Ordinances. (First read August 31, 1999)

a. Assignment of Multimedia Cable Television Franchise.

An Ordinance of the City of Wichita consenting to the assignment of the Broadband Telecommunications Network Franchise of Multimedia Cablevision, Inc. to Coxcom, Inc.

b. Acquisition of right-of-way by eminent domain for the Maple Street improvement project, Maize Road to 119th Street West. (District V)

An Ordinance providing for the acquisition by eminent domain of certain private property, easements, and right-of-way therein, for the purpose of acquiring right-of-entry easements for the construction and widening of Maple Street from Maize Road to 119th Street in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands, easements, and access control, therein taken and providing for payment of the cost thereof.

RECOMMENDED ACTION: Adopt the Ordinances.

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PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

\*Consent Item

\*28. V-2191 - Public Hearing Request to Vacate a Portion of the Front Building Setback Located at the Northeast Corner of Forestview and Forestview Court, Generally South of Central and East of 135<sup>th</sup> Street West, 526 Forestview. (District V)

MAPC Recommendation: Approve Vacation of a portion of the front building setback.

Staff Recommendation: Approve Vacation of a portion of the front building setback.

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RECOMMENDED ACTION: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order; and authorize the necessary signatures.

\*29. V-2193 - Request to Vacate a Portion of the 20-Foot Utility Easement Located at the Northeast Corner of Douglas and Kessler Street. (District IV)

MAPC Recommendation: Approve Vacation of a portion of the 20-foot utility easement.

Staff Recommendation: Approve Vacation of a portion of the 20-foot utility easement.

RECOMMENDED ACTION: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order; accept the utility easement dedication; and authorize the necessary signatures.

\*30. D-1766 - Dedication of Access Controls for Property Located on the Southwest Corner of 21<sup>st</sup> Street North and Ridge Road. (District V)

MAPC Recommendation: Accept the dedication

RECOMMENDED ACTION: Approve the dedication.

\*31. S/D 99-37 - Plat of Westwood Hills 3<sup>rd</sup> Addition Located on the West Side of Tyler, South of Maple. (District V)

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

RECOMMENDED ACTION: Approve the documents and Plat; adopt the Resolutions; and authorize the necessary signatures.

\*32. S/D 99-45 - Plat of Newman University Addition Located on the Southwest Corner of Sheridan and McCormick. (District IV)

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

RECOMMENDED ACTION: Approve the documents and Plat; adopt the Resolutions; and authorize the necessary signatures.

33. Z-3329 - Zone Change from "MF-18" Multi-Family Residential to "NR" Neighborhood Retail, Located North of 37<sup>th</sup> Street North and East of Woodlawn. (District II)

MAPC Recommendation: Approve, subject to Staff comments.

CPO Recommendation: Deny "LC" and approve "NR", subject to MAPD Staff recommendations.

Staff Recommendation: Deny "LC" Limited Commercial, but approve "NR" Neighborhood Retail.

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve the zone change, subject to the recommended conditions; OR  
2. Return the application to the MAPC for reconsideration.

34. Z-3330 - Zone Change from "TF-3" Two-Family Residential to "LC" Limited Commercial, Located South of Harry and East of Yale Avenue, 1612 South Yale. (District III)

MAPC Recommendation: Approve, subject to Staff recommendations.

CPO Recommendation: Approve, subject to MAPD Staff comments.

Staff Recommendation: Approve, subject to the dedication of an additional two feet of utility easement along the rear property line by separate instrument.

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve first reading of the Ordinance, subject to the recommended conditions and accept the utility easement dedication; OR  
2. Return the application to the MAPC for reconsideration.

\*35. A99-30 - Adoption of a Resolution Establishing a Future Public Hearing on the Annexation of Eligible Properties Generally Located North and South of 37<sup>th</sup> Street North, Between Broadway and Hillside Avenue to the City of Wichita, Kansas. (Districts I & VI)

RECOMMENDED ACTION: Accept the Service Extension Plan; and adopt the Resolution.

Adjournment

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